

United States District Court

DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
OCT 15 2009


Clerk

UNITED STATES OF AMERICA,

CR. 09-40109

Plaintiff,

ORDER

v.

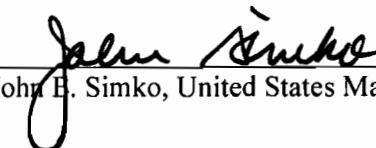
ROBERT JOHN HULSCHER,

Defendant.

This matter came before the court for hearing on the Indictment in the above matter on Thursday, October 15, 2009. The defendant, Robert John Hulscher, appeared in person and by his counsel, Bill Delaney. The United States appeared by Assistant United States Attorney, Connie Larson.

It appears that Defendant is currently in the custody of the State of South Dakota. Defendant appeared to answer these federal charges pursuant to a writ of habeas corpus ad prosequendum. In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude, however, that the detention issue is, for all practical purposes, moot because the defendant is currently in the custody of the State of South Dakota. The Marshal shall return the Defendant to the custody of the State of South Dakota pending further proceedings in this matter. If Defendant is released by the state before these federal proceedings are concluded, Defendant shall immediately be returned to this Court for further proceedings to determine whether he should be detained or released pending final resolution of the federal charges.

Dated: Oct 15, 2009


John E. Simko, United States Magistrate Judge